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8 **REMARKS**

9 In response to the Final Office Action dated November 28, 2006, Applicant
10 respectfully requests reconsideration based on the following remarks. Applicant
11 respectfully submits that the claims as presented are in condition for allowance.
12 Claims 1-10 and 12-20 are pending in the application. Applicant thanks the Office
13 for the detailed yet succinct analysis presented in the Office Action.
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16 **The §102 Rejections**

17 Claims 1-4, 7-13, and 15-20 stand rejected under 35 U.S.C. § 102(a) as
18 being anticipated by U.S. Patent Pub. No. 2002/0183059 to Noreen et al.
19 (hereinafter, "Noreen"). As noted above, claim 11 is canceled without prejudice
20 or disclaimer, rendering this rejection moot with regard to claim 11. Applicant
21 respectfully traverses the rejections. Applicant has, however, amended the claims
22 for the sole purpose of advancing prosecution and without conceding the propriety
23 of the Office's rejections.
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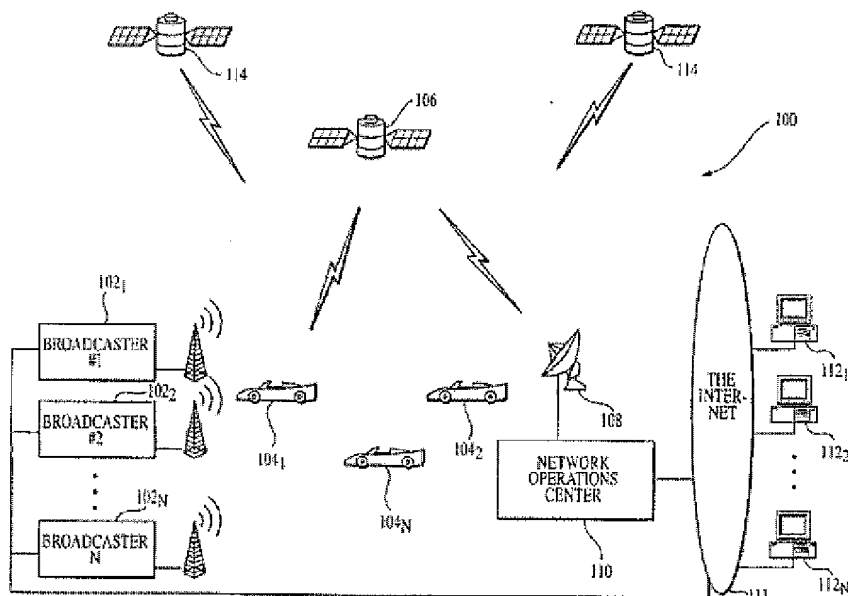
16 **Claim 1**, as amended, recites a receiver, comprising (emphasis added):

- 17 • an input portion configured to receive a first signal transmitted by a
- 18 first transmitter;
- 19 • a processor in communication with the input portion for converting
- 20 the first signal to an audio signal, the processor further comprising a
- 21 control module for processing an input command;
- 22 • a user interface in communication with the processor, wherein the
- 23 user interface is configured to receive the input command and to
- 24 convey the input command to the processor;
- 25 • a control module executed by the processor for processing the input
- command and generating a query in accordance with the input
- command; and
- a network interface in communication with the processor configured
- for *facilitating communication from the receiver and to the first*
- transmitter via a network and communication from the first*

transmitter and to the receiver via the network, wherein the query is communicated from the receiver to the first transmitter via the network and wherein the receiver is configured to receive a response message from the first transmitter, the response message generated in response to the query.

In making out a rejection of claim 1, the Office states that Noreen discloses all of the elements of the claim. (*Office Action of 11/28/06*, p. 6-7). Applicant respectfully disagrees. Nevertheless, Applicant has amended claim 1 to further clarify the claim from the cited reference.

Applicant thus submits that Noreen fails to disclose a “receiver [that] is configured to receive a response message from the first transmitter”. Instead, Noreen teaches that “feedback to the subscribers...[is] received at individual subscribers computers” or the like, represented by reference number 112 in Noreen’s Fig. 1 reproduced below.



1 Applicant also notes that during the latter of the afore-mentioned Examiner
2 interviews, the Office also agreed Noreen fails to disclose this claim element.
3 Applicant once again thanks the Office for its insight.

4 For at least this reason, this claim stands allowable.

5 In addition, Applicant also submits that Noreen fails to disclose “a network
6 interface...configured for facilitating *communication from the receiver and to the*
7 *first transmitter* via a network *and communication from the first transmitter and to*
8 *the receiver*”. (emphasis added). Instead, Noreen at most teaches a broadcaster
9 102 that transmits audio content—but cannot receive communication from a
10 receiver—and a network operations center that provides feedback to a subscriber’s
11 computer 112 or the like. As such, Noreen fails to disclose “*communication from*
12 *the receiver and to the first transmitter*”, as recited in Applicant’s claim.
13 (emphasis added).

14 For at least this additional reason, this claim stands allowable.

15 **Claims 2-4 and 7-9** depend from claim 1 and, by virtue of this dependency,
16 the above comments directed to claim 1 apply equally to these claims. Moreover,
17 these claims recite features that, when taken together with those of claim 1, define
18 devices not disclosed by Noreen.

19 **Claim 10** has been amended and, as amended, recites a system, comprising
20 (emphasis added):

- 21 • a digital radio broadcast transmitter;
- 22 • a server and a database in communication with the digital radio
23 broadcast transmitter, wherein the database includes information
24 related to a digital radio broadcast; and
- 25 • a receiver in communication with the digital radio broadcast
transmitter and configured to receive an input command comprising
a request for information from the database;

- *wherein the receiver is configured to establish a two-way communication path with the digital radio broadcast transmitter via a network and wherein the receiver is further configured to receive a response message from the digital radio broadcast transmitter*, the response message generated responsive to the request for information.

In making out a rejection of claim 10, the Office states that Noreen discloses all of the elements of the claim. (*Office Action of 11/28/06*, p. 6-7). Applicant respectfully disagrees. Nevertheless, Applicant has amended claim 10 to further clarify the claim from the cited reference.

Applicant thus submits that Noreen fails to disclose a “receiver [that] is configured to receive a response message from the digital radio broadcast transmitter” for at least the reasons discussed above in regard to claim 1. Applicant also notes that during the latter of the afore-mentioned Examiner interviews, the Office also agreed Noreen fails to disclose this claim element. Applicant once again thanks the Office for its insight.

For at least these reasons, this claim stands allowable.

In addition, Applicant also submits that Noreen fails to disclose a “receiver [that] is configured to establish a two-way communication path with the digital radio broadcast transmitter”. (emphasis added). Instead, Noreen at most teaches a broadcaster 102 that transmits audio content—but cannot receive communication from a receiver—and a network operations center that provides feedback to a subscriber’s computer 112 or the like. As such, Noreen fails to disclose a “two-way communication path” between the receiver and the digital radio broadcast transmitter, as recited in Applicant’s claim. (emphasis added).

For at least this additional reason, this claim stands allowable.

1 **Claims 12-13 and 15-18** depend from claim 10 and, by virtue of this
2 dependency, the above comments directed to claim 10 apply equally to these
3 claims. Moreover, these claims recite features that, when taken together with
4 those of claim 10, define systems not disclosed by Noreen.

5 **Claim 19** recites a method of establishing a feedback loop in a digital audio
6 service system, the method comprising (emphasis added):

- 7 • requesting information from a digital radio broadcast station via a user
8 interface portion of a satellite digital audio service receiver;
- 9 • formulating a query for the information based on an input signal from
10 the user interface;
- 11 • transmitting the query from the receiver to the digital radio broadcast
12 station via a network; and
- 13 • in response to the query, *receiving a response to the query from the*
14 *digital radio broadcast station at the receiver.*

15 In making out a rejection of claim 10, the Office states that Noreen
16 discloses all of the elements of the claim. (*Office Action of 11/28/06*, p. 9).
17 Applicant respectfully disagrees. Specifically, Applicant submits that Noreen fails
18 to disclose “receiving a response to the query from the digital radio broadcast
19 station *at the receiver*” for at least the reasons discussed above in regard to claim 1.
20 (emphasis added). Furthermore, Applicant also notes that while the Office cites to
21 an additional portion of Noreen in stating that Noreen discloses this claim element,
22 this additional portion also fails to so disclose Applicant’s claim. More
23 specifically, the Office cites to Noreen’s Fig. 11 and its accompanying text. This
24 figure and text, however, illustrate and describe that the network operations center
25 (e.g., element 110 of Fig. 1) couples to and communicates with a subscriber access
device (e.g., elements 112 of Fig. 1) that is different and separate from Noreen’s

1 broadcast radio receiver. As such, Applicant submits that Noreen fails to disclose
2 “receiving a response to the query from the digital radio broadcast station *at the*
3 *receiver*”. (emphasis added).

4 Applicant also notes that during the latter of the afore-mentioned Examiner
5 interviews, the Office also agreed Noreen fails to disclose this claim element.
6 Applicant once again thanks the Office for its insight.

7 For at least these reasons, this claim stands allowable.

8 For at least this additional reason, this claim stands allowable

9 **Claim 20** depends from claim 19 and, by virtue of this dependency, the
10 above comments directed to claim 10 apply equally to this claim. Moreover, this
11 claim recites features that, when taken together with those of claim 10, define
12 systems not disclosed by Noreen.

13 14 **The §103 Rejections**

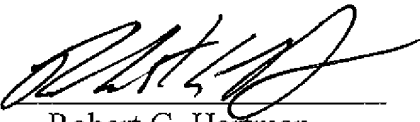
15 **Claims 5-6 and 14** stand rejected under 35 U.S.C. § 103(a) as being
16 unpatentable over Noreen in view of U.S. Patent No. 6,686,880 to Marko et al.
17 (hereinafter, “Marko”). These claims ultimately depend on claims 1 and 10,
18 respectively. As discussed above, Applicant submits that the rejection of claims 1
19 and 10 are improper, and Marko is not cited to remedy the rejection’s infirmities.
20 Thus, these claims are allowable as depending from allowable base claims. These
21 claims are also allowable for their own recited features which, in combination with
22 those recited in claims 1 and 10, are neither disclosed nor suggested in Noreen or
23 Marko, either singly or in combination.
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1 **Conclusion**

2 The Applicant respectfully requests reconsideration and withdrawal of the
3 rejections of claims 1-10 and 12-20 and favorable action on the subject
4 application. If any issue remains unresolved that would prevent allowance of this
5 case, the Examiner is requested to contact the undersigned agent to resolve the
6 issue.

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8 Respectfully Submitted,

9 Date: 02/26/2007

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